

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:

**RAMON E. NAVEDO RIVERA
TANIA ORONA JIMENEZ
XXX-XX-4605
XXX-XX-0526**

Debtor(s)

Case No.: **11-00716 (BKT)**

Chapter 12

**TRUSTEE'S MOTION FOR POST-CONFIRMATION
PLAN BASE INCREASE PURSUANT TO
11 U.S.C.§1202, §1229(a) AND F.R.B.P. §3015(g)**

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 12 Trustee, and very respectfully alleges and prays:

1. The Chapter 12 Plan dated March 30, 2011 (Dkt.No.37) proposed by the debtor(s), was confirmed on September 22nd, 2011 (Dkt.No.146) with a base equal to \$648,320.00.

2. The confirmed plan included the following provisions for the allowed creditors and participating parties:

- a. \$15,500.00 for debtor's Attorney Victor Gratacós, as per approved Application for Compensation (Dkt.No.165)
- b. \$3,500.00 for surveyor Julio Soto, as per approved Application for Compensation (Dkt.No.79)
- c. \$43,649.76 for secured creditor PR Assets (P.O.C. No.1) pursuant to plan's Article IV, Class 3.
- d. \$522,906.00 for secured creditor PR Assets (P.O.C No.2 and 3) pursuant to plan's Debt Balance Restructuration provision included in Article IV, Class 3.
- e. Full payment of the timely allowed General Unsecured creditors, as required by this case Liquidation Value, determined in \$497,917.00.

3. As of this date, fifty nine (59) months have elapsed since plan's Effective Due Date. The total amount received by the Trustee on behalf of debtors totals \$669,100.00, representing \$20,780.00 paid in excess of the confirmed plan base above mentioned. In addition to the amount already credited, there are also two additional payments in transit pending to be received at the Trustee's office in the amount of \$2,850.00 each. The source of debtors' payments comes from the weekly deductions made by milk processing plant Suiza Dairy.

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4. A recent revision of this case was performed, in light of the amounts claimed by the allowed unsecured creditors. This revision shows that the confirmed plan base of \$648,320.00 is not sufficient to allow compliance of the required full payment to the General Unsecured creditors. For such reason, and pursuant to 11 USC §1202, §1229 (a) and F.R.B.P §3015(g), the Chapter 12 Trustee request this Honorable Court to approve a modification to the confirmed plan by increasing the base amount to **\$674,800.00.**

5. This increased amount represents the \$669,100.00 already received and credited in the present case, plus the two (2) weekly deductions of \$2,850.00 that are in process of being sent to the Trustee's office.

6. The present request for the increment of the base amount in no way affects the creditors and parties of the present case, since all the provisions originally included in the confirmed plan dated March 30th, 2011 remains the same. Furthermore, this base increase will allow the unsecured creditors to receive full payment of their respective proof of claim, as it was originally provided in the plan, but that would not be possible if the base amount remains as originally stated.

7. As to secured modified creditor PR Assets (POC No.2 and 3), the provisions originally included in the secured debt restructuring also remains unaltered. This means that, after completion of the increased plan base, debtor will continue making the modified monthly payments directly to creditor for the same amount, length and interest rate as included in plan's Article IV, Class 3 (ii) & (iii).

8. For the reasons above mentioned, the Trustee respectfully requests this Honorable Court to approve a modification to the confirmed Chapter 13 Plan, by increasing the base amount to **\$674,800.00.**

WHEREFORE the Trustee respectfully requests this Honorable Court to grant the present motion and approve a Post-Confirmation Modification of the plan base, increasing the same to **\$674,800.00.**

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NOTICE OF OPPORTUNITY TO OBJECT PURSUANT TO LBR9013-1(h) within twenty-one (21) days after service as evidence by the certificate of service below, and an additional three (3) days pursuant to Fed.R.Bank.P. 9006(f), if served by regular mail, any party in interest shall file and serve any objection or any other appropriate response to this plan with the Clerk's office of the US Bankruptcy Court of the District of PR. If **NO** objection or other response is filed within the time allowed herein, the plan will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: Pursuant to Bankruptcy Rule 2002 The Chapter 12 Trustee herewith certifies that a copy of this motion has been served by regular US Mail on the **same date it is filed to:** the **DEBTOR(s)** and her/his/their attorney, to all Creditors, to their respective address of record as they appear in the Master Address List **if not** a registered CM/ECM System user.

In San Juan, Puerto Rico this **16th** day of **SEPTEMBER**, 2016

/s/ José R. Carrión Morales

JOSE R. CARRION

CHAPTER 12 TRUSTEE

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